IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 1138 of 2005

Between:

K.Adam, S/o.late Samson,
As a Section Officer, High Court of A.P.
R/o.C-92, Malakpet, B.Block, Hyderabad-36.

..... PETITIONER

AND

1 The Estate Officer, O/o.Supt.Engineer (R&B)

Hyderabad and Secunderabad Office near

Meera Talkies, at Khairatabad, Hyderabad.

2 The Dy.Secretary to Government General

Administration (Accom)Department,

A.P. Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction more particularly one in the nature of writ of Mandamus, directing the respondents to consider the petitioners resident quarter No.C-92 Malakpet not to alienate to any third party Government employee by evicting forcibly and consequentially extend the benefit of the order in W.P.No.10378/2001 dt.15.12.2004 to the petitioner and pass such other order or orders.

Counsel for the Petitioner: Mr.V.SURENDRA REDDY

Counsel for the Respondents : GP FOR GENERAL ADMINISTRATION

The Court at the stage of admission made the following :

ORDER:

Heard the learned Counsel appearing for the petitioner and the learned Government Pleader appearing for the respondents.

The petitioner states that he retired as a Section Officer of the A.P. High Court and he has been in occupation of Government Quarter No.C-92, Malakpet, 'B' Block, Hyderabad.

This writ petition is filed seeking a Writ of Mandamus directing the respondents to consider the request of the petitioner not to alienate the quarter in his occupation to any third party by vacting him forcibly.

It is not in dispute that aggrieved by the order passed by the first respondent – Estate Officer, Hyderabad and Secunderabad under Section 5(1) of the A.P. Public Premises (Eviction of unauthorised occupants) Act, 1968 (for short, 'the Act'), dated 20-05-2004 directing eviction of the petitioner from the quarter in question, he preferred C.M.A.No.128 of 2004 in the Court of Chief Judge, City Civil Court, Hyderabad and that the same was dismissed by Judgment dated 23-11-2004. However, on the basis of a memo filed by the petitioner undertaking that he would vacate the premises by 31-01-2005, the learned Chief Judge, City Civil Court, Hyderabad granted time to the petitioner till 31-01-2005 to vacate the premises failing which the respondents are entitled to evict him from the premises in question.

Admittedly, the said order has become final and therefore the petitioner is bound by the said order and liable to vacate the premises by 31-01-2005.

However, the petitioner filed this writ petition placing reliance upon a decision of this Court in W.P.No.10378 of 2001, dated 15-12-2004 wherein this Court while considering an identical question granted time to some of the petitioners therein who are also similarly situated and retired from service, to vacate the quarters in their occupation by 30/06/2005. On the basis of the said order, the petitioner contends that the similar benefit may be extended to him and that he may be

permitted to continue in the premises in his occupation till 30/06/2005. I am unable to agree. Since the judgment in C.M.A.No.128 of 2004 on the file of the Court of the learned Chief Judge, City Civil Court, Hyderabad has become final, the petitioner is bound by the said order and no relief as prayed for in this writ petition can be granted.

However, having regard to the facts and circumstances of the case, the time granted in the judgment in C.M.A.No.128 of 2004 shall stand extended till 28-02-2005 and it is made clear that the petitioner shall vacate the premises in question on or before 28-02-2005.

The Writ Petition is accordingly disposed of. No costs.

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31-01-2005.

Note:

Wire at party's costs.

(B/O)

RNS

To

1 The Estate Officer, O/o.Supt.Engineer (R&B)

Hyderabad and Secunderabad Office near

Meera Talkies, at Khairatabad, Hyderabad.

2 The Dy.Secretary to Government General

Administration (Accom)Department,

A.P. Secretariat, Hyderabad.

3 Two CCs to G.P.for General Administration,

High Court of A.P.,Hyderabad(OUT)

4 Two CD copies.